

## CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number \_\_\_\_\_

Meeting Type: Regular

Meeting Date: 6/13/2013

Action Requested By:  
Legal

Agenda Item Type  
Resolution

Subject Matter:

Invoke letter of credit.

Exact Wording for the Agenda:

Resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 400957400 for Lanier Lake Subdivision.

**Note: If amendment, please state title and number of the original**

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Associated Cost:

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: 

Date: 6-5-13

RESOLUTION NO. 13-\_\_\_\_\_

WHEREAS, National Bank of Commerce issued a certain letter of credit (No. 400957400), a copy of which is attached hereto and incorporated herein by reference, including any amendments thereto, in favor of the City of Huntsville, Alabama pursuant to Article 5 of the Subdivision Regulations for the City of Huntsville, Alabama; and

WHEREAS, the letter of credit is due to be invoked and the proceeds used in accordance with said subdivision regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the City of Huntsville Clerk-Treasurer be and is hereby authorized to present for payment to National Bank of Commerce Letter of Credit No. 400957400, prior to the expiration date thereof, with the language as specified in said Letter of Credit.

ADOPTED this the 13th day of June, 2013.

\_\_\_\_\_  
President of the City Council  
of the City of Huntsville,  
Alabama

APPROVED this the 13th day of June, 2013.

\_\_\_\_\_  
Mayor of the City of  
Huntsville, Alabama



**NATIONAL  
BANK of  
COMMERCE**

**Irrevocable Standby Letter of Credit**

**Beneficiary**

City of Huntsville  
Clerk-Treasurer Office  
P.O. Box 308  
Huntsville, AL 35804  
(hereinafter "City")

**Applicant**

Plainsmen Development, LLC  
2101 West Clinton Avenue  
Suite 501  
Huntsville, AL 35805  
(hereinafter "Developer")

**Bank**

National Bank of Commerce  
300 Randolph Avenue SE  
Huntsville, AL 35801

**Letter of Credit Number: 400957400**

**Amount: \$68,400.00**

**Issue Date: June 21, 2012**

**Expiration Date: June 21, 2013**

**Re: Article 5 Sidewalk, Letter of Credit for, Lanier Lake Subdivision**

Gentlemen:

We hereby issue our Irrevocable Standby Letter of Credit in your favor for the account of Plainsmen Development, LLC effective June 21, 2012, for a sum not to exceed the aggregate of Sixty Eight Thousand and four hundred dollars and 00/100 (\$68,400.00) available by your one or more drafts at sight on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration thereof will be dually honored if drawn and presented for payment to National Bank of Commerce in Huntsville, Alabama.

Each draft must be accompanied by a statement signed by an authorized representative of the City of Huntsville, Alabama stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations of the City of Huntsville, Alabama.

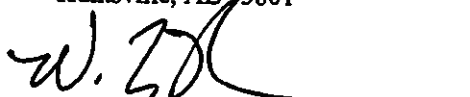
**The original of this letter of credit must be presented with any drawings.**

We hereby engage with you that draft(s) drawn under and in compliance with the terms of the credit will be duly honored upon presentation and delivery of the documents specified.

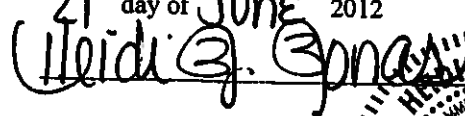
This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

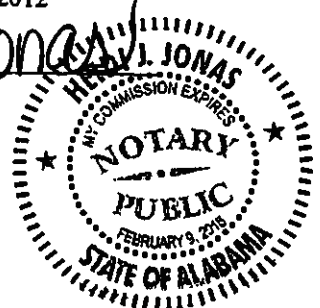
**Issued By: National Bank of Commerce**

300 Randolph Avenue  
Huntsville, AL 35801

  
W. Evans Quinlivan, President

Sworn to and subscribed before me on the  
21 day of JUNE 2012







RBC Bank™

S/W  
HT

International Services - Standby L/C Unit  
200 Providence Rd., 3rd Floor  
Charlotte, NC 28207  
S.W.I.F.T.: CNTAUS33  
Tel.: 704-686-1467 or 704-686-1194  
Fax: 704-686-1498  
Toll-free: 1-800-938-6299

June 28, 2011

Amendment to Irrevocable Standby Letter of Credit Number 1600

Beneficiary:  
City of Huntsville  
P.O. Box 308  
Huntsville, AL 35801

Applicant:  
Plainsmen Development, LLC  
2101 Clinton Avenue, Suite 501  
Huntsville, AL 35801

RE: Article 5 Sidewalks, Letter of Credit for Lanier Lake Subdivision

MS  
6/27/11

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to June 28, 2012

-amount decreased by \$23,900.00 to a new aggregate total of \$68,400.00

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Glenda A. Martin

Authorized Signature

Leon B. Pena

Authorized Signature

OK FMB  
6/27/11

OK KCH  
6/27/11

OK  
CEK  
6/28/11



RBC Bank™

Slw  
off

June 24, 2010

International Services - Standby L/C Unit  
200 Providence Rd., 3rd Floor  
Charlotte, NC 28207  
S.W.I.F.T.: CNTAUS33  
Tel.: 704-686-1467 or 704-686-1194  
Fax: 704-686-1498  
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number 1600

Beneficiary:  
City of Huntsville  
P.O. Box 308  
Huntsville, AL 35801

MS  
6/29/10

Applicant:  
Plainsmen Development, LLC  
2101 Clinton Avenue, Suite 501  
Huntsville, AL 35801

RE: Article 5 Sidewalks, Letter of Credit for Lanier Lake Subdivision

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-expiry date extended to June 28, 2011

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Glenda A. Martin

Authorized Signature

K. Bender

Authorized Signature

C. JMB  
6/29/10

OK  
CEK  
6/29/10

OK  
6/29/10



RBC Bank™

June 21, 2010

International Services • Standby L/C Unit  
200 Providence Rd., 3rd Floor  
Charlotte, NC 28207  
S.W.I.F.T.: CNTAUS33  
Tel.: 704-686-1467 or 704-686-1194  
Fax: 704-686-1498  
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number 1600

Beneficiary:  
City of Huntsville  
P.O. Box 308  
Huntsville, AL 35801

Applicant:  
Plainsmen Development, LLC  
2101 Clinton Avenue, Suite 501  
Huntsville, AL 35801

Re Article 5 Sidewalks, Letter of Credit for Lanier Lake Subdivision

Gentlemen:

We hereby amend our above referenced letter of credit as follows:

-amount decreased by \$57,700.00 to a new aggregate total of \$92,300.00

MS  
6/22/10

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

Glenda A. Martin

Authorized Signature

K. B. B. B.

Authorized Signature

OK Int  
6-22-10  
OK CEA  
6/22/10

OK  
CEB  
6/22/10



RBC Bank™

June 28, 2009

International Services - Standby L/C Unit  
200 Providence Rd., 3rd Floor  
Charlotte, NC 28207  
S.W.I.F.T.: CNTAUS33  
Tel.: 704-686-1467 or 704-686-1194  
Fax: 704-686-1498  
Toll-free: 1-800-938-6299

Amendment to Irrevocable Standby Letter of Credit Number 1600

Beneficiary:  
City of Huntsville  
P.O. Box 308  
Huntsville, AL 35801

Applicant:  
Plainsmen Development, LLC  
2101 Clinton Avenue, Suite 501  
Huntsville, AL 35801

RF Article 5 Sidewalks, Letter of Credit for Lanier Lake Subdivision

Gentlemen:

MS  
7/20/09  
MW  
7-23-09

We hereby amend our above referenced letter of credit as follows:

expiry date extended to June 28, 2010

amount decreased by \$37,650.00 to a new aggregate total of \$150,000.00

presentation hereunder may be made at our office located at: 100 Church Street, Suite 200  
Huntsville, AL 35801

All other terms and conditions remain unchanged.

Sincerely,

RBC Bank (USA)

  
Authorized Signature

OK  
CE/A  
7/24/09

  
Authorized Signature



First American Bank

**AMENDMENT TO IRREVOCABLE LETTER OF CREDIT NO. 1600**

**Beneficiary:**

City of Huntsville  
P.O. Box 308  
Huntsville, Al. 35801

**Account Party:**

Plainsmen Development Inc  
2101 Clinton Ave. Ste 501  
Huntsville, Al. 35805

**Issuing Bank:**

First American Bank  
100 Church St. Ste 200  
Huntsville, Al. 35801

SUBDIVISION: Lanier Lakes  
RE: Article 5 Sidewalks

LOC No: 1600  
Amount: \$187,650.00  
Date: 6/16/05  
Exp. Date: 06/28/07

MS  
4/17/08

**AMENDMENT NO. 2**

We hereby amend our Irrevocable Standby Letter of Credit No. 1600 as follows:

The expiration date is extended from 6/28/08 to 6/28/09.

The original Letter of Credit and all amendments must be presented for final or full payment made under this Letter of Credit.

All other terms and conditions remain unchanged.

Sincerely,

James W. Smith, Vice President

Michelle M. Goddard, Vice President

MS 4-18-08

OK KCA  
4/18/08

OK  
CEH  
4/21/08





First American Bank

**AMENDMENT TO IRREVOCABLE LETTER OF CREDIT NO. 1600**

**Beneficiary:**

City of Huntsville  
P.O. Box 308  
Huntsville, AL. 35801

**Account Party:**

Plainsmen Development LLC.  
8075 Madison Blvd. Ste 112  
Madison, AL. 35758

**Issuing Bank:**

First American Bank  
100 Church St., Ste 200  
Huntsville, AL. 35801

SUBDIVISION: Lanier Lakes  
RE: Article 5 Sidewalks

LOC No. 1600  
Amount: \$187,650.00  
Date: 6/16/05  
Exp. Date: 6/28/07

*MS*  
*4/18/07*

**AMENDMENT NO. 1**

We hereby amend our Irrevocable Standby Letter of Credit No. 1600 as follows:

The expiration date is extended from 6/28/07 to 6/28/08.

The original Letter of Credit and all amendments must be presented for final or full payment made under this Letter of Credit.

All other terms and conditions remain unchanged.

Sincerely,

T. Chris Patty  
Sr. Vice President

Timothy M. Singleton  
President

*OK Dma*  
*4/20/07*

*OK*  
*CEH*  
*4/23/07*

*OK KCA*  
*4/20/07*



First American Bank

**IRREVOCABLE LETTER OF CREDIT NO. 1600**

**Beneficiary:**

City of Huntsville  
P.O. Box 308  
Huntsville, Alabama 35804

**Account Party:**

Plainsmen Development LLC  
8075 Madison Blvd., Ste 112  
Madison, Al. 35758

**Bank:**

First American Bank  
401 Meridian St., Ste 100  
Huntsville, Al. 35801

**Subject:** Article 5 Sidewalk, Letter of Credit for  
Lanier Lakes Subdivision


**Amount:** \$187,650.00

**Issue Date:** June 16, 2005

**Expiration Date:** June 28, 2007

**Gentlemen:**

We hereby open our Irrevocable Standby Letter of Credit in your favor, effective June 16, 2005, for a sum not to exceed the aggregate of \$187,650.00. Available by your one or more drafts at SIGHT on us.

All draft(s) drawn under and in compliance with the terms of this Credit prior to the expiration date thereof will be duly honored if drawn and presented for payment to City of Huntsville *First American Bank* 

Each draft must be accompanied by a statement signed by a representative of the City of Huntsville, Alabama, stating that the draw is being made pursuant to Article 5 of the Subdivision Regulations.

The original of the Letter of Credit must be presented with any drawing.

We hereby engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored upon presentation and delivery of the documents as specified.

This Letter of Credit shall be governed by the laws of the State of Alabama, including but not limited to, the Alabama Uniform Commercial Code, as the same may be from time to time amended.

First American Bank

By: 

David P. Mathis  
Sr. Vice President

By: 

T. Chris Patty  
Vice President

*123/05*

*OK  
CEA  
Clerk - T. V. ...  
6/24/05*

*MPS  
6/21/05*